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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,259	05/20/2002	Gabor Benczur-Uer-Moessy	979/50805	1296

7590 08/02/2004
Crowell & Moring
PO Box 14300
Washington, DC 20044-4300

EXAMINER

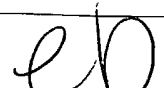
WEINER, LAURA S

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/019,259	Applicant(s) BENCZUR-UER-MOESSY ET AL.	
	Examiner Laura S Weiner	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 19, 20 and 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-28-01; 5-28-02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-19 been renumbered 18-36.

Claim Objections

2. Claims 18 and 36 are objected to because of the following informalities: "pulverulent storage alloy for hydrogen" should instead be "storage alloy for hydrogen particles" or "hydrogen alloy storage particles". Claim 25 is objected to because of the following informalities: "mat4rial" should instead be "material". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 19-20, 25-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 26 are rejected because it is unclear what is meant by "parts of". Should it be "parts by volume of"?

Claim 20 is rejected because of the use of the language "as well as". Also, it is

unclear what "PEG" stands for. The claim should recite instead "polyethylene glycol (PEG)". It is unclear what is meant by "0.05 to 0.2% of PEG" because the other 2 components are cited as ""parts by volume". This makes the claim vague and indefinite.

Claim 25 is rejected because it is unclear what is meant by "combining the resulting paste with a metallic substrate material". The process step should instead be something like "coating the resulting paste on the metallic substrate (material).

Claim 27 is rejected because it is unclear what "PEG" stands for. The claim should recite instead "polyethylene glycol (PEG)". It is unclear what is meant by "0.05 to 0.2% of PEG" because the other 2 components are cited as ""parts by volume". This makes the claim vague and indefinite.

Claims 27-28 are rejected because they are dependent on claim 24 which is directed to an electrode and not to a method for producing an electrode. These claims should be dependent on claim 25 instead.

Claim 29 is rejected because the claim depends from claim 28.

Claims 30-31 are rejected because they depend on claim 25.

Claim 32 is rejected because it is unclear what is meant by "after drying, the sheet is combined as an active compound with the substrate material".

Claim 33 is rejected because it is unclear what is meant by "...sheet is combined with the substrate material by rolling".

Claim 34 is rejected because it is unclear what is meant by "the substrate material is then dried to obtain the active compound". Should this be instead "to obtain the electrode"?

Allowable Subject Matter

4. Claims 18, 21-24 are allowed because no prior art was found teaching an electrode comprising a dry portion comprising an hydrogen storage alloy active material, soot (carbon) and PTFE where the particles of the storage alloy are covered with PTFE and a liquid portion comprising water and a higher alcohol which has from 3-6 C atoms.

Furukawa (5,496,665) teaches in column 1, lines 39-59, a negative electrode comprising a slurry containing hydrogen-occlusion alloy powder dispersed in an aqueous solution of thickener in ion-exchange water or distilled water. Adding a binder such a PTFE, polyethylene, polypropylene, etc. and adding a conductive powder such as cobalt powder, copper powder or carbon powder.

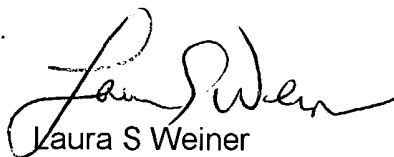
Hong et al. (5,556,719) teaches in column 2, lines 12-21, an electrode comprising a slurry comprising hydrogen storage alloy powder, a binder such as MC, PVA, PTFE, CMC, a conductive powder such as nickel, zinc, copper, aluminum or carbon and pure water.

Shimizu et al. (EP 0 735 093) teaches on page 7, Example 2, an electrode comprising manganese dioxide, a conductive carbon, an aqueous dispersion of PTFE, and water. Shimizu et al. teaches on page 5, lines 17-20, that the negative electrode active materials are alkali metal absorbing carbon materials, zinc cadmium hydroxide, hydrogen storage alloys, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura S Weiner
Primary Examiner
Art Unit 1745

July 28, 2004